



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall Street-5th Floor
New York, NY 10004

Peter Alan Holland
Senior Investigator



Mr. Jonathan Jung
33 West Hardwood Terrace
Palisades Park, NJ 07650

Re: Charge No. 160-2005-00082
Jung v. Skadden, Arps, Slate, Mcagher & Flom LLP

Dear Mr. Jung:

The EEOC has concluded its inquiry into your allegations of employment discrimination. As you may know, our charge handling procedures and enforcement plan call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce. Our review of the evidence in your case, including the information you provided, fails to indicate that a violation has occurred and it is not likely that additional information will result in our finding a violation.

After a Respondent has articulated what it proposes as their legitimate, non-discriminatory reasons for taking the actions complained about, as the firm did in their position statement, the burden of proof shifts to you under our statutes to produce evidence that the Respondent's statements are a pretext for illegal discrimination. You have failed to meet this burden of proof. A complete copy of the firm's position statement was mailed to your attorney, at his address of record, on December 16, 2004. Your rebuttal, evidence of pretext, was due in our office by January 5, 2005. That date has come and gone without the Commission's receipt of your rebuttal. Thus, you have failed to meet your required burden of proof. Therefore, we are closing your case.

This concludes the Commission's processing of your charge.

Your Determination/Dismissal and Notice of Rights are enclosed. The Determination is final. *If you wish to pursue the charge on your own, you may file a lawsuit on your own in Federal District Court using the enclosed Notice of Right to Sue, within 90 days of your receipt of it, otherwise your right to bring a lawsuit will be lost.*

Sincerely,

A handwritten signature of Peter Alan Holland in black ink.
Peter Alan Holland

Date:

1/27/05

cc: Brendan Chao, Esq.

DISMISSAL AND NOTICE OF RIGHTS

To: **Mr. Jonathan Jung**
33 West Hardwood Terrace
Palisades Park, NJ 07650

From: **Equal Employment Opportunity Commission**
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

160-2005-00082**Legal Unit****(212) 336-3721****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans with Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statute(s).

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)


- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

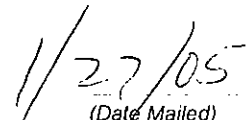
Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Spencer H. Lewis, Jr., District Director

Enclosure(s)


(Date Mailed)

cc: **Respondent: Skadden, Arps, Slate, Meagher &
Flom LLP**

Attorney for Mr. Jung: Brendan Chao, Esq.